IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

MACA.No. 1776 of 2007()

OPMV.1444/2005 of MOTOR ACCIDENT CLAIMS TRIBUNAL, OTTAPALAM
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APPELLANT/PETITIONER

MADHU, S/O MANI NAIR,
VADAKKEKALTHIL HOUSE,
VILAYUR P.O., PATTAMBI, OTTAPALAM TALUK,
PALAKKAD DIST.

BY ADV. SRI.K.B.ARUNKUMAR

RESPONDENTS: RESPONDENTS
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1. P.M.SIDDIK, S/O MUHAMMED,
PADINJARE PEEDIKAYIL HOUSE,
KILLIMANGALAM, PANJAL, THRISSUR DIST.
(DRIVER OF KL-8 9495 MAHINDRA JEEP)

2. V.S.DEVADASAN, S/O SIVASANKARAN NAIR,
VADAKKEPAT HOUSE, 9/270, PANJAL,
THRISSUR DISTRICT.
(OWNER OF KL-8 9495 MAHINDRA JEEP)

3. THE ORIENTAL INSURANCFE CO. LTD.,
BRANCH OFFICE, T.D.BUILDING, P.B.NO.158,
ROUND WEST, THRISSUR .
(INSURER OF KL-8/B 9495 MAHINDRA JEEP)

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 10/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.S. Radhakrishnan & A.K. Basheer, JJ.

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M.A.C.A. No. 1776 of 2007

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Dated this the 10th day of October, 2007.

J U D G M E N T

Radhakrishnan,J:

This appeal has been preferred by the claimant for enhancement of compensation awarded by the Tribunal. The claimant was aged 25 years at the time of the accident. He was working as an LIC agent and was earning a monthly income of Rs.5,000/-. He claimed an amount of Rs.3 lakhs as compensation. The Tribunal awarded Rs.38,954/- as compensation. Learned counsel submits that no amount was awarded for permanent disability. The tribunal has noticed that the claimant has not adduced any evidence to show that he has sustained injuries. Ext.A11 is the disability certificate issued from the Jubilee Mission Hospital, Thrissur. The Doctor who issued the certificate was not examined to prove the certificate. The claimant has also not adduced any oral evidence to prove the various documents produced by him. In such circumstances the Tribunal has not accepted the

certificates produced by the claimant. We do not find any fault with the Tribunal for not awarding any amount for permanent disability, since the certificate produced by the claimant does not prove the same. Tribunal directed payment of the amount within 30 days from the date of receipt of a copy of the award failing which it was ordered that the claimant would be entitled to only 6% interest. In the circumstances we are inclined to award interest at the rate of 7.5% on the amount awarded from the date of petition till realisation. Award is modified accordingly.

Appeal is disposed of as above.

K.S.Radhakrishnan,
Judge.

A.K. Basheer
Judge.

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